

Response
Applicants: David R. Knighton et al.
Serial No.: 10/780,370

Attorney Docket: EMB1007USC2

REMARKS

Claims 1, 7 and 12 to 17 are pending.

Terminal Disclaimer

The Examiner provisionally rejected claims 1, 7 and 12 to 17 under the judicially created doctrine of nonstatutory double patenting as being unpatentable over claims 1 and 9 of Application No. 10/391,148. Applicants note that Application No. 10/391,148 has issued and is now U.S. Patent No. 6,705,986 B2. Applicants have enclosed herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) to obviate a rejection under the judicially created doctrine of obviousness-type double patenting with respect to claims 1, 7 and 12 to 17 as being unpatentable over claims 1 and 3 (which corresponds to claim 9 of Application No. 10/391,148) of U.S. Patent No. 6,705,986 B2 to Fiegel et al.

Applicants also submit a Terminal Disclaimer in compliance with 37 § C.F.R. 1.321(c) to obviate a potential rejection under the judicially created doctrine of obviousness-type double patenting with respect to claims 1, 7 and 12 to 17 as being unpatentable over the claims of U.S. Patent No. 6,558,313 B1 to Fiegel et al.

Conclusion

In view of Applicants' remarks, the claims are believed to be in condition for allowance. Reconsideration, withdrawal of the rejections, and passage of the case to issue are respectfully requested.

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If any additional fees are due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 16-2312. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our deposit account.

Respectfully submitted,

Date: 6/14/06By 

Customer No. 009561

Terry L. Wiles (29,989)

Patrick J. O'Connell (33,984)

POPOVICH, WILES & O'CONNELL, P.A.

650 Third Avenue South, Suite 600

Minneapolis, MN 55402

Telephone: (612) 334-8989

Attorneys for Applicants